

November 2, 2019

Dr. R. Stephen Green
Superintendent
DeKalb County School District
1701 Mountain Industrial Boulevard
Stone Mountain, GA 30083

**Re: Demand to Immediately Cease and Desist Unlawful Investigative Tactics
Used to Investigate Allegations of Employee Wrongdoing**

Dear Dr. Green:

I have represented more than a dozen DeKalb County School District ("DCSD") employees who either are currently under investigation or have been under investigation in the past twelve (12) months for allegations of employee wrongdoing. It has come to my attention that employees in the Office of Legal Affairs ("OLA") and Department of Public Safety ("DPS") have been willfully employing unlawful investigative tactics designed to intimidate, bully and coerce school district employees into providing statements used to later criminally prosecute them without any regard for their rights guaranteed under the U.S. Constitution. It also has come to my attention that there is a systemic, widespread practice of principals requesting written statements from employees which they then later turn over to DPS, in violation of the Fifth Amendment and Fourteenth Amendment.

Pursuant to the U.S. Supreme Court decisions, *Garrity v. State of New Jersey*, 385 U.S. 493 (1967), *Spevack v. Klein*, 385 U.S. 511 (1967), *Gardner v. Broderick*, 392 U.S. 273 (1968), and other cases, a school district employee cannot be compelled to give a statement during an employment-related investigation that is then later used against the employee in a criminal investigation. Similarly, *Garrity* prohibits supervisory personnel, such as principals and employees of the OLA, from ordering employees to speak with School Resource Officers ("SRO"), school district detectives or any other law-enforcement personnel. The school district cannot take disciplinary action against an employee who refuses make statements that could criminally implicate the employee. School district employees, like all citizens, enjoy a constitutional right to remain silent and not provide self-incriminating information during any investigation.

To the extent the school district initiates an investigation into allegations of employee wrongdoing, there must be clear delineation between an *employment-related* investigation by OLA and a *criminal* investigation by DPS. The school district's practice over the past year has blurred, if not crossed, the lines between these two very distinct types of investigation, thereby trampling upon the Fifth and Fourteenth Amendment rights of school district employees.

DeKalb's illegal practice appears widespread and systemic. Below are but a few examples of unlawful investigative tactics used by DCSD administrators, investigators and law enforcement personnel:

1. **L. Vowell** – Ms. Vowell, a teacher, was accused of improperly handling a disruptive and defiant student at Avondale Elementary School during spring semester 2019. Upon the request of her principal, Ms. Vowell provided a written statement regarding the incident. The following day, she went to OLA, as instructed by her principal, and met with Jamel Crawford, who questioned her about the incident. Mr. Crawford then told her that she needed to stay at the central administrative offices to also speak with DPS Det. Robert Hudson. (*A violation of Garrity.*) After waiting about four (4) hours for Det. Hudson to arrive at the central administrative offices, Ms. Vowell asked Mr. Crawford if she could come back another day. Mr. Crawford told her that she could not leave and had to wait for the detective. (*A violation of Garrity.*) When Det. Hudson finally arrived, he questioned her for several minutes. He then turned on a tape recorder to record her statement and then read her *Miranda* rights. A few days later, Mr. Crawford telephoned Ms. Vowell again and told her she needed to report to his office. A representative from the Georgia Association of Educators ("GAE") learned that Ms. Vowell would be arrested upon her arrival—apparently Mr. Crawford was facilitating her arrest by Det. Hudson. (*A violation of Garrity.*) My law firm instead arranged for Ms. Vowell's voluntary surrender the next day when she turned herself into DPS.
2. **T. Owens** -- On Friday, August 23, 2019, Ms. Owens, a teacher, self-reported to her principal at Ida Wood Elementary School her involvement in an incident involving her child at McNair High School. Ms. Owens' principal ordered her to provide a written statement to an SRO, and Ms. Owens' complied with this directive. (*A violation of Garrity.*) No one ever told her that she did not have to provide a statement to the SRO or otherwise give her a *Miranda* warning. (*A violation of Garrity.*) Ms. Owens currently is on paid administrative leave and waiting to see if the DeKalb Solicitor's Office intends to bring formal charges against her.

3. **S. Hall** – A uniformed officer from DPS came to Shadow Rock Elementary School and questioned Ms. Hall, a teacher, during the spring 2019 semester without giving her *Miranda* warnings. Subsequently, Jamel Crawford from OLA called Ms. Hall and instructed her to contact Detective Gosha of DPS. (*A violation of Garrity.*) After my law firm sent a letter addressed to DPS and OLA advising that Ms. Hall intended to exercise her Fifth Amendment right to not provide any additional statements, Det. Gosha sought an arrest warrant leading to Ms. Hall voluntarily turning herself in for arrest. (*A violation of Garrity.*) Ms. Hall was accused of injuring a first-grade student when she sought to stop the child from locking himself inside a restroom stall after he fled her classroom during a test. The Board voted to terminate her employment from the school district during spring 2019, and we are currently waiting to see if the DeKalb Solicitor's Office intends to bring formal charges against her.
4. **K. Monroe** – Mr. Monroe, a teacher, was arrested by SRO Raymon Riley for his handling of a disruptive and defiant student who struck his hand when Mr. Monroe signaled the student to take his seat in the cafeteria at Miller Grove Middle School during the spring semester 2019. SRO Riley sought a warrant application specifically from DeKalb County State Court Traffic Judge Ronald Ramsey, who previously served as the Chief Legal Advisor for DCSD. When Judge Ramsey was not available on the date SRO Riley sought the warrant, rather than present the warrant application to another judge who was available at the time, SRO Riley waited until the following day to have Judge Ramsey sign the warrant, as reportedly requested by Judge Ramsey. Notably, Judge Ramsey had issued a letter of reprimand several years earlier against Mr. Monroe in his official capacity as the Chief Legal Advisor for the school district. SRO Riley testified under oath at Mr. Monroe's termination hearing that Det. Bailey in DPS assisted SRO Riley with applying for the warrant and advised SRO Riley that Judge Ramsey previously worked for the school district. Mr. Monroe's employment with the district was terminated in spring 2019. He was formally charged and his criminal case is pending in DeKalb State Court.
5. **S. Latimer** – SRO Woodard asked Mr. Latimer, a paraprofessional, to write a statement about an incident he had with a disruptive student who spat on and hit him during the spring 2019 semester. Mr. Latimer initially refused to write a statement, but after his assistant principal at Cedar Grove Middle School told him the statement was needed in order to take disciplinary action against the student, he complied and gave a written statement on a DPS form to SRO Woodard, who notably did not read to Mr. Latimer any *Miranda* warnings before having him write the statement. (*A violation of Garrity.*) Additionally, Jamel Crawford directed Mr. Latimer to make himself available to DPS while on paid

administrative leave. *(A violation of Garrity.)* A couple of days later, DPS Det. Gosha summoned Mr. Latimer to his office, and Mr. Latimer went for an interview with the detective. Det. Gosha talked to Mr. Latimer for about thirty (30) minutes and had him write a statement. Afterwards, Det. Gosha gave him a card that had *Miranda* warnings written on it and asked Mr. Latimer if he understood it. Thereafter, Det. Gosha accused him of lying and placed him under arrest. Mr. Latimer was terminated from the school district in spring 2019, and we are currently waiting to see if the DeKalb Solicitor's Office intends to bring formal charges against him.

6. **J. Sewell** – In September 2019, Mr. Sewell's principal at Vanderlin Elementary School called him to the front office of the school and asked for a written statement from Mr. Sewell, a teacher, about an incident with students that happened in his classroom. The principal proceeded to question Mr. Sewell and then called SRO Morgan to step in the room while they both continued to question him. *(A violation of Garrity.)* No one ever told Mr. Sewell what he was accused of doing, but instead asked him general and vague questions. The principal directed Mr. Sewell in the presence of SRO Morgan to write a statement on a form provided by SRO Morgan, which he did. *(A violation of Garrity.)* A few weeks later, Jamel Crawford called him and informed Mr. Sewell that he had set up a meeting for Mr. Sewell to speak with Det. Gosha at the DPS office. *(A violation of Garrity.)* Mr. Crawford stated that the meeting was a friendly interview, but when Mr. Sewell went to meet with Det. Gosha he was *Mirandized*, interrogated, instructed to write a statement and told he would be charged with a criminal offense. A few days later, Mr. Crawford threatened to terminate Mr. Sewell and then said he would instead be suspended and transferred to another school. Mr. Crawford advised Mr. Sewell that if he contested the suspension, he would write a letter to Department of Family and Children Services and make sure Mr. Sewell's name was placed on a list (presumably referring to the child abuse registry maintained by the Department of Human Services). Mr. Crawford said that, if this happened, Mr. Sewell would not be able to work with children anywhere and would be fired from the district. Mr. Sewell has not been arrested but is currently on paid administrative leave with the district.
7. **R. Wade** – In November 2018, Mr. Wade, a teacher, was instructed to give a written statement to an SRO, and he complied with the directive, in spite of never being *Mirandized*. *(A violation of Garrity.)* The next day, Mr. Wade was instructed to meet with Jamel Crawford in OLA. When Mr. Wade arrived, there was a uniformed officer and a plain-clothes officer present in the room with Mr. Crawford. *(A violation of Garrity.)* Mr. Wade was questioned but again was never *Mirandized* during this meeting. Mr. Crawford called Mr. Wade the next

day and told him to come down to OLA the following day. When Mr. Wade and his attorney arrived, Mr. Crawford met with them briefly then left the room. When Mr. Crawford returned to the room, he was accompanied by two officers who then arrested Mr. Wade and took him into custody. *(A violation of Garrity.)* No one ever advised Mr. Wade that a warrant had been issued for his arrest prior to this moment, and he was not given an opportunity to surrender to custody on his own accord. Mr. Wade resigned from his employment shortly thereafter. Currently, we are waiting to see if the DeKalb Solicitor's Office intends to bring formal charges against him.

8. **T. Hall** – In October 2019, Ms. Hall, a school counselor, was told by her principal at Stoneview Elementary School to write a statement, which she prepared and gave to her principal. The principal then gave the written statement to DPS. *(A violation of Garrity.)* Det. Hudson confirmed with my office on October 30, 2019 that he had indeed received the statement that Ms. Hall prepared at the behest of her principal. *(A violation of Garrity.)* Ms. Hall is currently on paid administrative leave for what happened when she intervened during a physical altercation between two elementary students. She has not been arrested.
9. **J. Kelly** – During spring semester 2019, Mr. Kelly, a school custodian, was arrested on accusations that he took surplus food that was left over from an Atlanta Food Bank event held at Stone Mill Elementary School. The principal told him to write a statement regarding the matter. The next day, he met with Jamel Crawford at OLA who advised him that he was being placed on paid administrative leave pending investigation. A few days later, Mr. Crawford telephoned Mr. Kelly and instructed him to return to OLA. Mr. Kelly complied and went to the central administrative offices but before he could meet with Mr. Crawford, he received a call from a GAE representative who informed him that he was about to be arrested. Mr. Kelly then left central office before meeting with Mr. Crawford. Mr. Crawford telephoned him again while Mr. Kelly was in the parking lot of the central office and told him that if he did not come inside the building, he would be arrested at his home. *(A violation of Garrity.)* Mr. Kelly explained that he had his 4-year-old son with him at the time. Mr. Crawford said that did not matter and they would simply call someone to come pick up his son and his car from the district. *(A violation of Garrity.)* My law firm intervened and arranged for Mr. Kelly to voluntarily surrender to the custody of DPS the very next day. Mr. Kelly was terminated from the school district in spring 2019, and we are waiting to see if the DeKalb Solicitor's Office intends to bring formal charges against him.

Aside from the fact that the investigative tactics described herein reflect an utter lack of regard and respect for the dignity of the people employed by DCSD, the

investigative misconduct violates state and federal law. To the extent that personnel with teaching certificates issued by the Georgia Professional Standards Commission have engaged in or in any way have sanctioned such investigative misconduct, we submit that these individuals have violated Standard 1 and Standard 10 the Code of Ethics for Educators. To the extent the school district's legal counsel have sanctioned the district's unlawful investigative tactics, we submit that such conduct violates the State Bar of Georgia's Rules of Professional Conduct.

By way of background, you should know that I first informally confronted Mr. Crawford about his own violations of *Garrity* following Mr. Wade's arrest in OLA in November 2018. At that time, I had assumed Mr. Crawford was unaware that his actions were unlawful, so I explained the *Garrity* rule to him expecting that he would consult with the district's own legal counsel and stop the practice. I also sent a *Garrity* letter to Mr. Crawford regarding S. Hall's case in spring 2019. Even after these communications, Mr. Crawford's violations continued and frankly worsened.

In October 2019, I spoke by phone again with Mr. Crawford advising him of the continued *Garrity* violations that have taken place with numerous of my clients. Several days later, he advised me by phone that he had consulted with OLA staff, my interpretation of *Garrity* was correct and he would stop the unlawful practices. On at least three (3) occasions in October 2019, I have asked both Mr. Crawford and Derek Carson, Esq., in OLA for confirmation in writing that OLA would cease violating *Garrity*. They verbally assured me that I would receive written confirmation of this change in practice, but as of this date, I have not received such writing or otherwise been advised as to when I would receive written confirmation—hence why I am now bringing this matter to the attention of the superintendent and board members.

This letter serves as a formal demand for all school district personnel to immediately cease and desist from engaging unlawful investigative practices. Specifically, my firm is requesting within (10) ten business days of this letter a written response that sets forth the district's plan to take immediate active steps to: 1) cease requiring employees to submit to interviews with law enforcement personnel; 2) advise principals, OLA investigators and other district administrators that they are not authorized to share recorded statements of employees under investigation with law enforcement personnel; 3) institute policies and procedures setting forth appropriate guidelines for investigating allegations of employee misconduct; and, 4) provide additional training to personnel regarding the legal authorities governing the rights of employees subject to investigation.

If the school district refuses to comply with this demand, you are hereby advised that my firm will proceed with filing legal action seeking equitable, mandamus and other

relief, pursuing all remedies available by law, including punitive damages and attorney's fees. Recognizing that there are likely numerous DCSD employees, other than those listed herein, whose rights have been affected by the district's unlawful investigative practices, I have copied this letter to other legal counsel who represent DCSD to determine the existence of other potential plaintiffs.

I look forward to your timely response.

Very truly,


SHARESE SHIELDS, Esq.

Cc: Marissa Key, Esq., Interim Chief Legal Counsel, DCSD
Michael McGonigle, Esq., Legal Services Director, Georgia Assn of Educators
Borquaye Thomas, Esq.
Julie Oinonen, Esq.
Janet Hill, Esq.
Sandy Wallack, Esq.
Craig Goodmark, Esq.
Gerry Weber, Esq.
Dr. Michael A. Erwin, District 3 (Chair)
Marshall D. Orsen, Esq., District 2 (Vice Chair)
Stan O. Jester, District 1
Allyson Gervertz, District 4
Vickie Turner, District 5
Dijon DaCosta, District 6
Joyce Morley, District 7
Paul A. Shaw, Director of Ethics Division, Professional Standards Commission